

Court No. - 18

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1016 of 2023

Petitioner :- Ram Harsh Verma

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. Civil Sectt. Lko. And 7 Others

Counsel for Petitioner :- Suyesh Pradhan, Mohd. Arshad

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Saurabh Lavania, J.

Heard.

Present petition has been filed for the following main reliefs:-

"Issue a writ, order or direction in the nature of mandamus commanding the opposite parties Nos. 1 to 4 to remove illegal encroachment from the local passage of villagers located at Gata Nos. 149 and 155 of gram Gangauli, Pargana and Tehsil Fatehpur, District:- Barabanki, Uttar Pradesh which are recorded as Chak Marg in revenue records.

Issue a writ, order or direction in the nature of mandamus commanding the opposite parties Nos. 1 to 4 to remove illegal construction of house building and toilet from Gata No. 164 which is Nadha Gata or Up Talab Gata i.e. land which belongs to gram Sabha Gangauli, Pargana and Tehsil Fatehpur, District:- Barabanki, Uttar Pradesh which is recorded as Nadha Gata in the revenue records."

Sri Yogesh Kumar Awasthi, learned counsel for the State, on the basis of the instructions placed before this Court which is taken on record, stated that after enquiry it was found that Vijay Shankar, Swami Dayal and Malkheram are in illegal occupation over the Gata in dispute and considering the same proceedings against these persons have been initiated under Section 67(1) of U.P. Revenue Code, 2006. The cases registered against these persons are Case No.T202304120306608 (Gaon Sabha vs. Vijay Shankar), Case No.T20230412030660 (Gaon Sabha vs. Swami Dayal) and Case No.T202304120306608 (Gaon Sabha vs. Malkheram) and the next date fixed in the cases is 29.11.2023.

He further submitted that the aforementioned cases would be decided within the statutory period i.e. 90 days, if there is no other legal impediment as prescribed in Rule 67(6) of the U.P. Revenue Code Rules, 2016.

Considering the aforesaid, this Court is of the view that no

fruitful purpose would be served in keeping the present petition pending.

Accordingly, the writ petition is disposed of with the direction to authority concerned to conclude the proceedings of aforesaid cases as per the procedure prescribed under Section 67 read with Rule 67 of the U.P. Revenue Code Rules, 2016, if there is no legal impediment. The District Magistrate, Barabanki shall supervise the authority concerned so that the aforesaid cases related to encroachment be decided expeditiously.

Order Date :- 2.11.2023

Vinay/-